IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 802 of 2006 (M/B)

1. Mulak Singh S/o Mukhtiyar Singh.
2. Joginder Singh S/o Mukhtiyar Singh.
   All R/o Nanak Matta,
   Udham Singh Nagar.
3. Chinder Singh S/o Kartar Singh,
   R/o Pratap Pur, No. 9, Nanak Matta,
   Udham Singh Nagar.
4. Balwinder Singh S/o Puran Singh,
   R/o Village Dasi Bhuriya, Thana, Khatima,
   Udham Singh Nagar. ..... Petitioners

Versus

1. State of Uttaranchal,
   through Senior Superintendent of Police,
   Udham Singh Nagar.
2. Parmjeet Singh S/o Late Harjinder Singh,
   R/o Village Basila, Thana Nanakmatta,
   District Udham Singh Nagar. ..... Respondents

Mr. P.S. Adhikari, Senior Counsel with Mr. B.S. Adhikari, Advocate for the petitioners.
Mr. D.K. Sharma, Government Advocate for respondent No. 1.
Mr. S.C. Bhatt, Advocate for respondent No. 2.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C. J. (Oral)

Mr. P.S. Adhikari, Senior Counsel with Mr. B.S. Adhikari, Advocate for the petitioners.

Mr. D.K. Sharma, Government Advocate for respondent No. 1.

Mr. S.C. Bhatt, Advocate for respondent No. 2.

They are heard on admission.

2. The Petitioners have filed this writ petition for the following reliefs:

> "1. Issue a writ, order or direction in the nature of Certiorari for quashing the impugned first information report (Annexure –1) lodged against the petitioners

registered as Case Crime No. 2404 / 2006 in police station Khatima (Udham Singh Nagar).

2. Issue a writ, order or direction in the nature of mandamus directing the for not harassing the petitioners unwarrantedly on the undue pressure of respondent no.2.
3. To pass any other order or direction as this Court deems fit and proper under the facts and circumstances of the case.
4. To award cost throughout.

3. The petitioners are apprehending their arrest for their alleged involvement in Crime No. 2404 of 2006 registered at Police Station Khatima, District Udham Singh Nagar for the alleged commission of the offences punishable under Sections 147, 148, 307, 504 and 506 read with 149 of the I.P.C.

4. According to the First Information Report lodged by respondent No. 2 Parmjeet Singh, the petitioners and their other co-accused persons are alleged to have attempted at the life of complainant's brother Mandeep Singh by firing at him from their respective fire arms causing him extensive injuries on his hip and abdomen.

5. Mr. P.S. Adhikari, the learned Senior Counsel for the petitioners vehemently argued that petitioner No. 2 Joginder Singh, himself, sustained gunshot injuries in the incident, which lead to the lodging of the report against the members of the complainant's party (Annexure No. 5).

6. On due consideration of the submissions of the learned counsel for the parties and the serious nature of the allegations against petitioners Mulak Singh, Joginder Singh, Chinder Singh and Balwinder Singh in the First Information Report, we are of the opinion that it is not a fit case for grant of any of the reliefs sought by the petitioners in the writ petition. We are refraining from commenting on the merits of the case lest it may prejudice the case of the petitioners at the trial, which they are yet to face.

7. The writ petition, therefore, is liable to be dismissed and is, hereby, dismissed summarily.

8. Consequently, CLMA No. 8397 of 2006 also stands dismissed.

(Prafulla C. Pant, J.) 07.07.2006

(Rajeev Gupta, C. J.) 07.07.2006

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